

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v. CRIMINAL NO. 03-23 ERIE

URSULA ADAMS

CHANGE OF PLEA

Proceedings held before the HONORABLE  
SEAN J. McLAUGHLIN, U.S. District Judge,  
in Courtroom C, U.S. Courthouse, Erie,  
Pennsylvania, on Friday, October 22, 2004.

APPEARANCES:

CHRISTIAN A. TRABOLD, Assistant United States  
Attorney, appearing on behalf of the Government.

JOHN J. MEAD, Esquire, appearing on behalf of

Ronald J. Bench, RMR - Official Court Reporter

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1           P R O C E E D I N G S

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3           (Whereupon, the proceedings began at 11:10 a.m., on  
4 Friday, October 22, 2004, in Courtroom C.)

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6           THE COURT: Would the defendant and counsel please  
7 come up to the podium. Ms. Adams, I'm informed that you wish  
8 to change the plea that you previously entered at -- what  
9 counts?

10          MR. TRABOLD: Just Count One, your Honor.

11          THE COURT: That you previously entered at Count One  
12 of Criminal No. 03-23 Erie to a plea of guilty, is that  
13 correct?

14 THE DEFENDANT: Yes, it is.

15 THE COURT: I'm going to ask you to talk into the  
16 microphone and keep your voice up for the court reporter.

17 Before accepting your guilty plea, there are a  
18 number of questions that I'm going to ask you to make certain  
19 it is a valid plea. If you don't understand any question,  
20 please tell me and I will explain it to you. If at any time  
21 you wish to consult with Mr. Mead, please tell me that, and I  
22 will give you time to consult. I give you these instructions  
23 because it is essential to a valid plea that you understand  
24 every question before you answer it. Would you please  
25 administer the oath.

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1 (Whereupon, the Defendant, URSULA ADAMS, was sworn.)

2 THE COURT: Do you understand that now that you have  
3 been sworn, your answers to my questions are subject to the  
4 penalties of perjury or of making a false statement if you do  
5 not answer truthfully?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Would you please tell me your full name?

8 THE DEFENDANT: Ursula Lynn Adams.

9 THE COURT: How old are you?

10 THE DEFENDANT: Twenty-nine.

11 THE COURT: How far did you go in school?

12 THE DEFENDANT: 10th grade.

13 THE COURT: Are you able to communicate in English?

14 THE DEFENDANT: Yes, I am.

15 THE COURT: Mr. Mead, have you been able to

16 communicate with your client in English?

17 MR. MEAD: I have, your Honor.

18 THE COURT: Have you taken any drugs or medication

19 or have you drunk any alcoholic beverages in the past 24 hours?

20 THE DEFENDANT: No, I haven't.

21 THE COURT: Are you now or have you recently been

22 under the care of a physician or a psychiatrist?

23 THE DEFENDANT: No, I haven't.

24 THE COURT: Are you now or have you recently been

25 hospitalized or treated for any type of narcotic addiction?

1 THE DEFENDANT: No, I haven't.

2 THE COURT: Do you understand what's happening here

3 today?

4 THE DEFENDANT: Yes, I do.

5 THE COURT: Does either counsel have any doubt about

6 the competence of this defendant to plead guilty at this time

7 to the charge contained in the Indictment; Mr. Trabold?

8 MR. TRABOLD: No, your Honor.

9 THE COURT: Mr. Mead?

10 MR. MEAD: No, your Honor.

11 THE COURT: I find the defendant is competent. Do

12 you have counsel with you here today?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: What's his name?

15 THE DEFENDANT: Mr. Mead.

16 THE COURT: Okay. Have you had a sufficient

17 opportunity to discuss your case with him?

18 THE DEFENDANT: Yes, I have.

19 THE COURT: Are you happy with the work that Mr.

20 Mead has done for you?

21 THE DEFENDANT: Yes, I am.

22 THE COURT: Do you understand that if you continue

23 to plead not guilty and do not change your plea, you would have

24 the right to be assisted by an attorney at the trial of the  
25 charge against you?

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1 THE DEFENDANT: Yes, I do.

2 THE COURT: Do you understand that if you did not  
3 enter a guilty plea and that if you qualified financially, you  
4 would be entitled to be assisted by an attorney at no cost to  
5 you at every phase of the processing of the charge against you?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Do you understand that if you did not  
8 plead guilty and that if there were a trial, under the  
9 Constitution and laws of the United States, you would be  
10 entitled to a speedy trial by a judge and jury on the charge  
11 contained in the Indictment?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Do you understand that if there were a  
14 trial, you would be presumed to be innocent at the trial of the  
15 charge against you?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Do you understand that if there were a

18 trial, the government would be required to prove your guilt by  
19 competent evidence and beyond a reasonable doubt before you  
20 could be found to be guilty?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: And do you understand that if there were  
23 a trial, you would not have to prove that you were innocent?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Keep your voice up just a little bit.

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1 Do you understand that if there were a trial, the jury would  
2 have to be unanimous in order to find you guilty of the charge?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: Do you understand that if there were a  
5 trial, you would have the right to participate in the selection  
6 of the jury; that you would have the right to strike or  
7 eliminate any prospective juror if it was demonstrated that the  
8 juror would be unable to render a fair and impartial verdict;  
9 and that you would have the right to strike or eliminate ten  
10 jurors from the jury, and one alternate, without giving any  
11 reason at all for so doing?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Do you understand that if there were a  
14 trial, the witnesses for the government would have to come to  
15 court and they would have to testify in your presence?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Do you understand that if there were a  
18 trial, your counsel could cross-examine the witnesses for the  
19 government, object to evidence offered by the government and  
20 then offer evidence on your behalf?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Do you understand that if there were a  
23 trial, the government would have to pay witness fees to  
24 witnesses which you wished to call on your behalf, if you  
25 qualified as being financially unable to pay those fees?

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1 THE DEFENDANT: Yes, I do.

2 THE COURT: Do you understand that if there were a  
3 trial, you would have the right to testify if you chose to?

4 THE DEFENDANT: Yes, I do.

5 THE COURT: Do you understand that if there were a

6 trial, you would have the right not to testify and that no  
7 inference or suggestion of guilt could be drawn from the fact  
8 that you did not testify?

9 THE DEFENDANT: Yes, I do.

10 THE COURT: If you plead guilty and I accept your  
11 plea, do you understand that you will waive your right to a  
12 trial and those other rights I have just mentioned to you,  
13 there will be no trial and that I will enter a judgment of  
14 guilt and sentence you on the basis of your guilty plea after  
15 considering a presentence report?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: If you plead guilty, do you understand  
18 that you will also have to waive your right not to incriminate  
19 yourself, because I will ask you questions about what you did  
20 in order to satisfy myself that you are guilty as charged and  
21 that you will have to acknowledge your guilt?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: Now that I have mentioned your rights to  
24 you, do you still wish to plead guilty?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: Have you received a copy of the  
2 Indictment naming you and have you discussed with your counsel  
3 the charge in the Indictment to which you intend to plead  
4 guilty today?

5 THE DEFENDANT: Yes, your Honor.

6 MR. TRABOLD: Your Honor, just so you're aware, the  
7 same factual basis that I shared with you for Mr. Lauer is also  
8 the same for Ms. Adams.

9 THE COURT: From fifty to five grams?

10 MR. TRABOLD: Correct.

11 THE COURT: And Ms. Adams is only charged in Count  
12 One, is that right?

13 MR. TRABOLD: Correct.

14 THE COURT: All right. Do you understand that you  
15 are charged in Count One as follows: "From in and around  
16 February, 2003, to in and around March, 2003, in the Western  
17 District of Pennsylvania, the defendants, Robert Lauer, Corey  
18 White and Ursula Adams, did knowingly, intentionally and  
19 unlawfully conspire with others, both known and unknown to the  
20 grand jury, to manufacture five grams or more of a mixture and

21 substance containing a detectable amount of methamphetamine, a

22 Schedule II controlled substance, contrary to the provisions of

23 Title 21, United States Code, Sections 841(a)(1) and 841

24 (b)(1)(B)(viii).

25 In violation of Title 21, United States Code,

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1 Section 846." Do you understand the charge?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: Do you understand that as to Count One

4 in order for the crime of conspiracy to manufacture a

5 controlled substance (methamphetamine) to be established, the

6 government must prove all of the following essential elements

7 beyond a reasonable doubt.

8 One. That two or more persons came to a mutual

9 understanding or agreement to try to accomplish a common and

10 unlawful plan to manufacture the controlled substance charged

11 in the Indictment.

12 Two. That the defendant knowingly and willfully

13 became a member of such conspiracy.

14 Three. That methamphetamine is a Schedule II

15 narcotic drug controlled substance.

16 And, four, that the conspiracy had the specific  
17 unlawful purpose of manufacturing five grams or more of a  
18 mixture and substance containing a detectable amount of  
19 methamphetamine.

20 Do you understand the elements of this crime?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Do you understand the maximum penalty  
23 for a violation of Count One is as follows:

24 A term of imprisonment of not less than five years,  
25 to a maximum of 40 years;

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1 A fine not to exceed \$2 million;

2 A term of supervised release of at least four years.

3 For a second or subsequent narcotic drug controlled  
4 substance felony conviction that is final, whether federal,  
5 state or foreign, a term of imprisonment of not less than 10  
6 years, to a maximum of life; a fine not to exceed \$4 million;  
7 and a term of supervised release of at least eight years.

8 As well as a mandatory special assessment of \$100.

9 Do you understand the maximum penalty here?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: Has anybody made any threat to you or to

12 anyone else that has caused you in any way to plead guilty?

13 THE DEFENDANT: No.

14 THE COURT: Has there been a plea agreement, Mr.

15 Trabold?

16 MR. TRABOLD: Yes, your Honor, I've marked it

17 Government's Exhibit 1, and counsel and Ms. Adams have signed

18 the agreement already. It indicates in its most pertinent

19 provisions that Ms. Adams will plead guilty to Count One.

20 There are also numerous provisions in the plea

21 agreement related to Ms. Adams' cooperation with the government

22 in an ongoing investigation of violations of federal drug laws.

23 In addition, Ms. Adams waives any right to have the

24 facts upon which her sentence is based and as charged in the

25 Indictment or determined by a jury beyond a reasonable doubt.

1 And she agrees that the facts upon which her sentence is based,

2 under the Sentencing Guidelines, will be determined by your

3 Honor by a preponderance of the evidence.

4 Additionally, your Honor, Ms. Adams agrees to waive  
5 her rights to take a direct appeal from her conviction or  
6 sentence, with a few exceptions.

7 Namely, she does not have to waive her right to  
8 appeal if the government files a direct appeal. Or if the  
9 court's sentence exceeds the applicable statutory limits, or  
10 the court erroneously departed upward from the guidelines.

11 Additionally, Ms. Adams waives her right under Title  
12 28, United States Code, Section 2255, to file any habeas  
13 petitions or to collaterally attack her conviction or sentence.

14 In exchange, your Honor, the government agrees that  
15 it will take under consideration a filing of a motion taking  
16 into account her cooperation in this case as it relates to any  
17 possible reduction of sentence.

18 Additionally, the government agrees to recommend a  
19 three-point reduction in offense level for Ms. Adams' timely  
20 acceptance of responsibility.

21 Finally, your Honor, the parties have entered into a  
22 stipulation in this case that the amount of pseudoephedrine  
23 attributable to Ms. Adams as a result of her involvement in the  
24 conspiracy is at least 10 grams but less than 40 grams.

25 THE COURT: All right. Has that been executed, Mr.

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1 Trabold?

2 MR. TRABOLD: Yes, your Honor.

3 THE COURT: Ms. Adams, prior to coming to court  
4 today, did you have an opportunity read and review the plea  
5 agreement?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Did you discuss it with Mr. Mead?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: And then did you sign it?

10 THE DEFENDANT: Yes, I did.

11 THE COURT: Do you understand that by signing it,  
12 you are attesting to the fact that you agree with all of its  
13 terms and conditions?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: And you do agree with it, is that right?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: The plea agreement is admitted. Has  
18 anyone made any promise, other than the plea agreement, that

19 has caused you to plead guilty?

20 THE DEFENDANT: No.

21 THE COURT: Do you understand that I'm not required  
22 to accept the plea agreement that you have entered into and may  
23 reject it. If I do reject the plea agreement, you would be  
24 advised in open court and have the opportunity to withdraw your  
25 guilty plea. If the plea agreement is rejected, you may

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1 nevertheless continue in your plea of guilty, and if you  
2 persist in your plea of guilty after the plea agreement is  
3 rejected, your sentence or the disposition of your case may be  
4 less favorable to you than that proposed in the plea agreement;  
5 do you understand that?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Do you understand that the offense to  
8 which you are pleading guilty today is a felony offense; that  
9 if your plea is accepted, you will be adjudged guilty of that  
10 offense and that such adjudication may deprive you of valuable  
11 civil rights, such as right to vote, hold public office, the  
12 right to serve on a jury and the right to possess any type of

13 firearm?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: Under the Sentencing Reform Act of 1984,  
16 the United States Sentencing Commission has issued guidelines  
17 for judges to follow in determining sentences in criminal cases  
18 for offenses occurring after November 1, 1987. Have you and  
19 Mr. Mead talked about how the Sentencing Guidelines may apply  
20 to your case?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand that the court will  
23 not be able to determine the guideline sentence for your case  
24 until after the presentence report has been completed and you  
25 and the government have had an opportunity to challenge the

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1 facts reported by the probation officer?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: Do you understand that after it has been  
4 determined what guideline sentence applies to a case, the judge  
5 does have the authority in some circumstances to impose a  
6 sentence that is more severe or less severe than that called

7 for by the guidelines?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: Do you understand that under certain  
10 circumstances you or the government may have the right to  
11 appeal any sentence that I impose?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Do you understand that parole has been  
14 abolished, and that if you are sentenced to a term of  
15 imprisonment, you will not be released on parole?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Do you understand that if the sentence  
18 is more severe than you expected, you will still be bound by  
19 your guilty plea and that you will have no right to withdraw  
20 it?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Except for your discussions with your  
23 attorney about the Sentencing Guidelines, has anybody made any  
24 prediction or promise to you about what your sentence will be?

25 THE DEFENDANT: No, they haven't.

1 THE COURT: Has anything I have said here today  
2 suggested to you what your actual sentence will be?

3 THE DEFENDANT: No.

4 THE COURT: Have you been instructed by your  
5 counsel, by government counsel, or by anybody else to respond  
6 untruthfully to any question about a promised sentence?

7 THE DEFENDANT: What?

8 THE COURT: Do you want me to repeat that?

9 THE DEFENDANT: Yeah.

10 THE COURT: Have you been instructed by Mr. Mead, by  
11 Mr. Trabold, or by anybody else to respond untruthfully to any  
12 question I ask you about a promised sentence?

13 THE DEFENDANT: No.

14 THE COURT: Did you, then, as charged in Count One,  
15 and as previously read to you by me commit the offense as  
16 charged?

17 THE DEFENDANT: Yes, I did.

18 THE COURT: All right. What would be the  
19 government's proof here, Mr. Trabold?

20 MR. TRABOLD: Your Honor, the government's proof  
21 would be that on March 25, 2003, Corey White's probation

22 officer, assisted by several Pennsylvania State Police

23 Troopers, traveled to Mr. White's residence for the purpose of

24 serving an arrest warrant.

25 Upon arrival, the probation officer immediately

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1 entered the residence and noticed a very strong chemical odor,

2 numerous items indicative of a methamphetamine production lab,

3 and several other items.

4 At the same time a state trooper noticed through an

5 open door an individual, later identified as Robert Lauer,

6 sleeping in a camper in the backyard of the property. Right

7 next to a beaker with liquid that was boiling on a hot plate.

8 It was subsequently determined by the Pennsylvania State Police

9 Clandestine Lab Response Team that the beaker with boiling

10 liquid was part of a working methamphetamine lab.

11 Based upon the information from the probation

12 officer and the state trooper who discovered Robert Lauer, a

13 search warrant was obtained, which resulted in the seizure of

14 methamphetamine and numerous items, including listed chemicals

15 integral to the manufacture of methamphetamine. Also, in this

16 case the amount of pseudoephedrine attributable to Ms. Adams'

17 conduct would be more than 10 grams and less than 40 grams.

18 Ms. Adams, who was present in the house when the

19 probation officer initially entered, was interviewed by law

20 enforcement authorities and admitted that she had assisted

21 Robert Lauer and Corey White in the manufacture of

22 methamphetamine by doing a process of what she termed doing

23 matches, which is a process by which the striker plate on the

24 matches is scratched off so that red phosphorous can be

25 obtained. That is a key ingredient in the production of

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1 methamphetamine. That would be the nature of the government's

2 evidence, your Honor.

3 THE COURT: All right. Ms. Adams, you just heard

4 what Mr. Trabold said by way of a summary, do you agree with

5 everything he said?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Do you still want to plead guilty?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: Is it your advice that she do so, Mr.

10 Mead?

11 MR. MEAD: It is, your Honor.

12 THE COURT: Because you acknowledge that you are in  
13 fact guilty as charged in Count One, because you know about  
14 your right to a trial, because you know what the maximum  
15 possible penalty is, and because you are voluntarily pleading  
16 guilty, I will accept your guilty plea and enter a judgment of  
17 guilty on your plea to Count One of Indictment No. 03-23 Erie.

18 It is therefore the finding of the court in the case  
19 of United States v. Ursula Adams, that this defendant is fully  
20 competent and capable of entering an informed plea, and that  
21 her plea of guilty is a knowing and voluntary plea supported by  
22 an independent basis in fact containing each of the essential  
23 elements thereof and therefore the plea is accepted and the  
24 defendant is now adjudged guilty of the charge.

25 Would you please have Ms. Adams and counsel sign the

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1 change of plea.

2 (Whereupon, the Change of Plea was executed by the  
3 Defendant and Defense Counsel.)

4 MR. TRABOLD: Just so the record is as clear as  
5 possible, your Honor, as it relates to Count One of the  
6 Indictment, which is the count that Ms. Adams just pled to,  
7 the government has agreed to reduce the amount alleged in the  
8 conspiracy from 50 grams to 5 grams. Not in any way related to  
9 any anticipated cooperation of Ms. Adams, but just simply  
10 because that's what the facts of this case bear out. That the  
11 conspirators conspired to produce five grams or more of  
12 methamphetamine.

13 THE COURT: So, essentially, fifty was just a typo,  
14 is that what it was?

15 MR. TRABOLD: Correct.

16 THE COURT: Then the record does reflect that.

17 MR. TRABOLD: Also, just so the record is as clear  
18 as possible, the maximum sentences that you shared with Ms.  
19 Adams are the sentences applicable to the five gram amount.

20 THE COURT: All right. And insofar as -- who was  
21 the other defendant, Corey White?

22 MR. TRABOLD: Mr. White.

23 THE COURT: Did you do anything special on that?

24 MR. TRABOLD: I did not mention that to the court.

25 But the maximum amounts that you shared with Mr. White during

1 the course of the plea colloquy and the amount that he actually  
2 will be sentenced on reflects the five gram amount.

3 THE COURT: So we're good all the way around.

4 Ms. Adams, a presentence report will be prepared by  
5 the probation officer, it is in your best interests to  
6 cooperate with him in furnishing information for the report,  
7 because that report is going to be important in my decision  
8 about what your sentence will be. You and your counsel will  
9 have the right and the opportunity to examine that report  
10 before sentencing.

11 Disposition of sentencing in this case is set for  
12 January 4th at 11 a.m. in this courtroom. All right, we're  
13 adjourned.

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15 (Whereupon, at 11:25 a.m., the Change of Plea  
16 proceedings were concluded.)

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5       I, Ronald J. Bench, certify that the foregoing is a

6 correct transcript from the record of proceedings in the

7 above-entitled matter.

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12 Ronald J. Bench

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